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*Attorney for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SELINA KEENE, MELODY FOUNTILA, MARK ) Case No.: 4:22-cv-01587-JSW  
MCCLURE, )

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO;  
LONDON BREED, Mayor of San Francisco in her  
official capacity; CAROL ISEN Human Resources  
Director, City and County of San Francisco, in her  
official capacity; DOES 1-100,

Defendants.

) **PETITION TO VACATE RELATED**  
) **CASE STATUS OF THIS CASE TO**  
) **OTHERS; OPPOSITION TO**  
) **CONSOLIDATION**

)  
) 4:22-cv-06013-JSW  
) 4:22-cv-04319-JSW  
) 4:22-cv-03975-JSW  
) 4:22-cv-07455-JSW  
) 4:22-cv-04633-JSW  
) 4:22-cv-07645-JSW  
) 4:23-cv-00211-JSW  
)

) Date: June 23, 2023  
) Time: 9:00 AM  
) Judge: The Honorable Jeffrey S. White

1 Russell Davis declares:

2 1. I am the attorney of record for the Plaintiffs herein. I have personal knowledge of the  
3 facts in this matter and if called to testify regarding them I would and could do so competently.

4 2. On April 26, 2023, I filed a notice of unavailability (Docket no. 56). On 05/03/2023  
5 defendant CCSF filed a motion to relate cases (Docket no. 61) while being either actually aware or  
6 constructively aware that opposing could not respond to its motion due to his vacation. On  
7 05/08/2023, another member of my firm filed a request to continue the hearing on the  
8 administrative motion (Docket no. 62). The court entered an order relating cases on 06/05/2023  
9 (Docket no. 67).

10 3. Wherefore this petition seeks to vacate the order granting related case status as to this  
11 case on grounds it was procedurally defective and violates the Plaintiffs' procedural due process  
12 rights. Additional grounds to vacate are that this case is procedurally far ahead of the other cases  
13 which have been related with it and it is unfair and prejudicial to the Plaintiffs herein to be tied to  
14 these other cases in any manner.

15 4. On May 15, 2023 (Docket no. 64), the Ninth Circuit Court of Appeals entered a  
16 Memorandum stating grounds for its remand of Plaintiffs Motion for Preliminary Injunction. On  
17 June 5, 2023, (Docket no. 71) that same court entered its Mandate, which constitutes the formal  
18 mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

19 5. As this case is subject to this court's further order re: the Ninth Circuit's Memorandum,  
20 it is also grounds to vacate the relation and to oppose consolidation. Any order consistent with the  
21 Ninth Circuit's ruling will obviate related case status and consolidation of this case with any other.

22 Wherefore Plaintiffs request the Court to vacate its order relating this case with others and  
23 to enter an order denying consolidation of this case with any other.

24 Dated: June 9, 2023

25 /s/ Russell Davis  
26 Russell Davis  
27 PACIFIC JUSTICE INSTITUTE

*Attorney for Plaintiffs*

28 OPPOSITION TO CONSOLIDATION